

# Birmingham City Council

## Report to the Leader and to Cabinet Member for Education, Skills and Culture

Date: March 2020



**Subject:** SALE OF VAUXHALL GARDENS EDUCATION CENTRE, BARRACK STREET, VAUXHALL BIRMINGHAM B7 4HA

**Joint Report of:** Director for Education and Skills  
Interim Director, Inclusive Growth

**Relevant Cabinet Member:** Cllr Jayne Francis - Education, Skills and Culture  
Cllr Ian Ward - Leader of the Council

**Relevant O &S Chair(s):** Cllr Kath Scott - Education and Children's Social Care  
Cllr Lou Robson - Economy and Skills  
Cllr Sir Albert Bore - Resources

**Report author:** Jaswinder Didially - Head of Education Infrastructure  
0121 675 0228  
[jaswinder.didially@birmingham.gov.uk](mailto:jaswinder.didially@birmingham.gov.uk)

Azmat Mir - Head of Property Consultancy  
0121 303 3298  
[azmat.mir@birmingham.gov.uk](mailto:azmat.mir@birmingham.gov.uk)

Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s): Nechells		
Is this a key decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, add Forward Plan Reference:		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

## **1 Executive Summary**

- 1.1 To identify the subject building as being surplus to requirements and to seek approval to sell the freehold of the land at Vauxhall Gardens, Barrack Street, Birmingham to the Secretary of State for Housing, Communities and Local Government shown attached at **Appendix 1**.

## **2 Decision Recommended**

- 2.1 Declare the subject building surplus to Council requirements and authorise its subsequent sale as detailed.
- 2.2 Authorise the sale of the freehold of the land at Vauxhall Gardens, Barrack Street, Birmingham to the Secretary of State for Housing, Communities and Local Government shown attached at **Appendix 1** for the sum of £0.975m (Nine Hundred and Seventy Five Thousand Pounds).
- 2.3 Authorise the City Solicitor to negotiate, execute and complete all necessary documentation to give effect to the above recommendations.

## **3 Background**

- 3.1 Birmingham has the highest proportion of under 15 year olds of any major city in Europe and the highest proportion of under 20 year olds of any major city in the UK. The latest Population Projection for Birmingham indicates a 4% overall increase in population in Birmingham by 2023 increasing to 1.31m by 2039.
- 3.2 The City Council has a statutory duty to ensure that there are sufficient pupil places, secure diversity in the provision of schools and increase opportunities for parental choice through planning and securing additional provision (Section 14, Education Act 1996 and Education and Inspections Act 2006).
- 3.3 The Council started to grow our primary school estate in 2010 as a result of increased birth rates and these higher primary school numbers are now moving through to secondary age. The latest forecasts, which also take into account estimates for the number of pupils moving into the city or from housing developments, indicates the need to provide an additional 67 Forms of Entry (FE) in Year 7 by 2024 / 25. This is the equivalent to over 2000 additional Year 7 places and over 10,000 secondary (Year 7-11) places.
- 3.4 The Secretary of State has approved Birmingham Ormiston Academy which is a single Academy Trust to open a new Free School to provide specialist Digital studies by September 2022. The Trust currently has a successful Performing Arts Academy in the centre of Birmingham. It is proposed that Vauxhall Gardens is used for the delivery of this 4FE, 900 pupil capacity school.
- 3.5 BOA offers a specialist and citywide provision, the proposed Free School (approved to open by the DfE) is for a Digital offer of 4FE capacity. The Council are not factoring that this will impact sufficiently on our local capacity (using trends from the current BOA provision) but will more be to help address the overall city

requirements. The admissions arrangements will be Fair Banding and therefore reach from a wider field across the city (and outside). The BOA provision will add to the city's educational offer, is in an area where 40% of schools are not judged good or outstanding and will contribute to the overall basic need agenda for Birmingham.

- 3.6 Vauxhall Gardens is located in central Birmingham, to the west of Lawley Middleway. The site has previously housed the Council's own officers and was used as office accommodation and has recently been vacated. The site is well-placed to accommodate a new Free School, given local travel networks. The Council are proposing to relinquish this site for the redevelopment of a Free School.
- 3.7 Information known for school: It will be known as BOA Digital. It will offer 4 forms of entry for students aged 11-16 (120 Published Admission Number) plus 300 places in sixth form, so the overall age range for the school is 11-19.

#### **4 Options considered and Recommended Proposal**

- 4.1 Do Nothing – The site is not required, and the City Council does not have the capital to invest in the site to bring it forward for providing secondary places.
- 4.2 The preferred option is to sell the site to the Secretary of State for Housing, Communities and Local Government. Options are being explored for expansion across our current secondary school supply. However, with significantly fewer secondary schools (87 schools) than primary schools (302 schools) it is evident that the Council will not be able to meet all of our need within our existing estate. An additional 7FE is needed in the Ladywood planning area alone, and this is without the introduction of major housing at both Greater Icknield site and Smithfield site. The Council are therefore looking to the government's Free School programme to support us to deliver additional secondary schools and school places.

#### **5 Consultation**

- 5.1 The Ward Members for Nechells were consulted on 25.02.2020 in relation to the proposals, for which no adverse comments have been received. The Secretary of State for Housing, Communities and Local Government has been consulted on the recommendations contained in this report and any comments received have been included in the report.

#### **6 Risk Management**

- 6.1 If the proposal doesn't go ahead then the City Council would fail to meet its statutory obligation to ensure that there are sufficient school places, secure diversity in the provision of schools and increase opportunities for parental choice through planning and securing additional provision.

#### **7 Compliance Issues:**

- 7.1 **How are the recommended decisions consistent with the City Council's priorities, plans and strategies?**

7.1.1 Selling the building will enable the City Council to meet its statutory duty to provide sufficient secondary school places in safe and compliant school buildings. This will support the Council Priorities:

- A great city to grow up in and make the best use of our unique demography;
- Create a safe and secure city for our children to learn and grow in, by ensuring the provision of school places in safe, suitable school buildings;
- Enable children to benefit from a great education offer.

## **7.2 Legal Implications**

7.2.1 This report facilitates the discharge of the City Council's duty contained within Section 14 of the Education Act 1996, by which the City Council has a responsibility to secure that sufficient schools are available.

7.2.2 The power to acquire, dispose and manage assets in land and property is contained in Sections 120 and 123 of the Local Government Act 1972. The Assistant Director of Property has confirmed that the transaction is at a level that satisfies Section 123 of the Local Government Act 1972.

## **7.3 Financial Implications**

7.3.1 The asset forms part of the Non-Investment Portfolio, as per the Council's Property Strategy. The sale of the asset will generate a premium of £0.975m. An amount of £0.450m has been allocated to the School Capital Works budget in line with the previous Capital Receipts Policy and a decision in 2013 to reinvest part of the school's capital receipts back into the service. The remaining balance of £0.525m will be available to support the Council's priorities, subject to Capital Board approval and the Council's governance process.

7.3.2 The Assistant Director of Property has confirmed that the transaction is at a level that satisfies Section 123 of the Local Government Act 1972 and represents best value.

7.3.3 The City Council's legal and surveyor costs to a total of £0.015m are to be paid by the Secretary of State for Housing, Communities and Local Government.

7.3.4 The sale of this asset has no rental loss implications, and there are no holding cost liabilities associated with the asset as the site has only recently been vacated and non-domestic relief is in place for 3 months. There is no security in place as the building is due to be demolished by the Secretary of State for Housing and Local Government to provide the free school.

## **7.4 Procurement Implications (if required)**

7.4.1 Not applicable

## **7.5 Human Resources Implications (if required)**

7.5.1 Not applicable

## **7.6 Public Sector Equality Duty**

7.6.1 A Full Equality Analysis (EA0001202) was carried out in May 2016 for the Schools' Capital Programme 2016–2017. The outcomes from the consultation demonstrate that proposed capital developments support positive outcomes for children, young people, their families and carers. No negative impact on people with Protected Characteristics was identified. It was concluded that sufficiency of educational places and opportunities for all children and young people contributes to providing positive life chances and supports a positive approach to Safeguarding in Birmingham actively reducing the number of children and young people out of school helps to mitigate risk to their safety and wellbeing. This remains the same. EA attached at **Appendix 2**.

## **8 List of Appendices accompanying this Report (if any):**

- 8.1 Appendix 1 Outline of the land and buildings at Vauxhall Gardens, Barrack Street, Vauxhall, Birmingham
- 8.2 Appendix 2 EA0001202 – Schools Capital Programme

## **9 Background Documents**

- 9.1 Schools Capital Programme 2019-20 - Cabinet 26<sup>th</sup> March 2019
- 9.2 School Place Planning Requirements – 2018 / 19 to 2024 / 25